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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,743	03/19/2001	Philip J. Busardo	7000-058	8859

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,743

Applicant(s)

BUSARDO, PHILIP J.

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. **Claim 2** is objected to because of the following informalities: specifically the limitation "telephone number of the telephony device" refers to the sending device. However, in claim 1 the sender is referenced as the expected caller. Therefore applicant should clarify claim 2 to state receiving a telephone number of an expected caller. The rejection recited below is based on number of the expected caller. Appropriate correction is required.

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Kredo (United States Patent 6,714,637).

Regarding **claim 1**, Kredo discloses a customer programmable caller ID alerting indicator. In addition, Kredo discloses a method to provide for caller identification using telephony ring signals comprising: a) receiving, at an application server in a communications network, a telephone number of an expected caller; b) receiving identification of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; c) creating indicia associating the telephone number of the expected caller with the audio file; and d) sending the indicia associating the telephone number of the expected caller with the audio file from the application server to the telephony device, wherein the telephony device play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 2**, Kredo discloses everything claimed as applied above (see claim 1), in addition, Kredo discloses receiving a telephone number of the expected caller, as disclosed at column 3, lines 15-24 and exhibited in figure 2.

Regarding **claim 3**, Kredo discloses a method to provide for caller identification using telephony ring signals comprising: a) receiving, at an application server in a communications network, a telephone number of an expected caller; b) receiving identification of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; c) creating indicia associating the telephone number of the expected caller with the audio file; and d) sending the indicia associating the telephone number of the expected caller with the audio file from

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the application server to the telephony device, wherein the telephony device play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller and sending the audio file to the telephony device, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 4**, Kredo discloses everything claimed as applied above (see claim 3), in addition, Kredo inherently encodes the audio file using a compression algorithm prior to sending the audio file to the telephony device.

Regarding **claim 5**, Kredo discloses a customer programmable caller ID alerting indicator. In addition, Kredo discloses a method to provide for caller identification using telephony ring signals comprising: a) receiving, at an application server in a communications network, a telephone number of an expected caller; b) receiving identification of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; c) creating indicia associating the telephone number of the expected caller with the audio file; and d) sending the indicia associating the telephone number of the expected caller with the audio file from the application server to the telephony device, wherein the telephony device play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller and wherein the indicia associating the telephone number of the expected caller with the audio file includes a location of the audio file, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 6**, Kredo discloses everything claimed as applied above (see claim 1), in addition, Kredo discloses a) receiving second telephone number of a second

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expected caller; and b) retrieving identification of a second audio file to play as the telephony ring signal for an incoming call originating from the second expected caller. wherein the creating step further creates the indicia to associate the second telephone number of the second expected caller with the second audio file, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 7**, Kredo discloses everything claimed as applied above (see claim 1), in addition, Kredo discloses wherein the indicia associating the telephone number of the expected caller with the audio file comprises a file readable by the telephony device, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claims 8-25**, Kredo discloses everything claimed as disclosed above, in addition, Kredo discloses WWW and VOIP in column 4, line 31 through column 5, line 60, therefore claims 8-25 are interpreted and thus rejected for the reason set forth above.

Response to Arguments

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al. (United States Patent 5,999,599), system and method for enhanced caller name alerting.

Chiloyan (United States Patent 6,766,004), method and apparatus for coordinating ringing and audio announcements in a phone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
April 7, 2005



Jefferey F Harold
Examiner
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